UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,064	04/23/2004	Tetsuro Motoyama	252122US-2 CONT	8744

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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
05/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/830,064	MOTOYAMA ET AL.
	Examiner	Art Unit	
	Thomas J. Dailey	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1. Claim 48 was added by the amendment filed 2/23/2009.

2. Claims 31-48 are pending.

Response to Arguments

3. Applicant's arguments with respect to prior art rejections of the claims have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 31-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cheng et al (US Pat. 6,151,643), hereafter "Cheng," in view of Gase et al (US

Pat. 5,580,177), hereafter "Gase."

6. As to claim 31, Cheng discloses a method of updating a first version of a device

driver installed on a computer of a user the method comprising:

transmitting to an office device by the first version of the device driver

installed on the computer, a request for version information of the newest version

of the device driver that is stored in the memory of the office device (column 7,

lines 46-62, client application gathers version information from software (software

includes drivers), on client computer (the computer), and requests information

regarding the latest versions that are available from the service provider (office

device); while the request to the service provider is not directly from the device

drivers, the drivers are still essentially making the request via the client

application, i.e. the drivers provide version information to the application and that

information is relayed to the service provider),

receiving, from the office device to which the computer is communicatively

coupled, version information of the newest version of the device driver that is

stored in the memory of the office device (column 3, lines 25-39, user computer

receives from service provider computer system (office device) information

regarding available updates);

determining, based on the received version information, whether the first

version of the device driver installed on the computer is different from the newest

version of the device driver stored in said memory (column 3, lines 32-39);

if the determining step determines that the first version is different from the

newest version, inquiring whether the user wants to update the device driver on

the computer with the newest version of the device driver (column 3, lines 38-42,

user identifies updates to be made; column 5, lines 28-33 also indicates a

method of user approval before the software update); and

if the inquiring step determines that the user wants to update the device

driver, obtaining the newest version of the device driver from the office device

(column 3, lines 41-45).

But, Cheng does not explicitly disclose the first version of the device driver

being programmed to transmit the request to the office device and wherein both

the first version and the newest version of the device driver are configured to

control operations of the office device. Rather, in Cheng the transmission is via

the client application program.

However, Gase discloses transmitting to an office device by the first version

of the device driver installed on a computer a request for version information of a

newest version of the device driver that is stored in a memory of the office device

(column 6, lines 8-12, client processor (computer) provides driver information to

file server (office device); office device compares driver information to ensure

client processor has most up to date printer driver), the first version of the device

driver being programmed transmit the request to the office device (column 6,

lines 3-17, client processor operation are controlled by previously installed printer

utility and printer driver (i.e. the first version of the device driver).

Therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teachings of Cheng and Gase in order to

minimize programming overhead by eliminating the client application is CHeng

and allowing the operations to be controlled directly by the drivers..

7. As to claims 36, 41 and 46, they are rejected by the same rationale set forth in

    claim 31's rejection.

8. As to claims 32, 37, and 42, Cheng discloses:

    displaying, on a display associated with the computer, a message regarding

    whether the user wants to update the device driver (column 5, lines 24-32,

    display device is inherent as the user must read the email in regards to an

    available update, and the approval of the update); and

    receiving a response from the user, said response indicating whether the user

    wants to update the device driver with the newest version (column 5, lines 30-

    32).

9. As to claims 33, 38, and 43, Cheng discloses:

    establishing a connection to the office device (column 3, lines 41-45);

    receiving, from the office device, an installation file for the newest version of

    the device driver (column 3, lines 41-45 and column 10, lines 33-54, the URL is

    the installation file for the newest version of the device driver); and

storing said installation file in a temporary storage area associated with the

computer (column 10, lines 33-54, client computer retrieve URL and must store it

in order to access).

10. As to claims 34, 39, and 44, Cheng discloses executing the stored installation file

to install the newest version of the device driver on the computer (column 10,

lines 33-54, installation of software update via execution of URL).

11. As to claims 35, 40, and 45, Cheng discloses generating commands and

associated data for controlling said office device, prior to said receiving step

(column 3, lines 25-29).

12. As to claim 47, Cheng discloses the office device is a printer and the device

driver is configured to control operations of the printer (column 2, lines 31-41).

13. As to claim 48, Cheng discloses receiving, by the office device, the newest

version of the device driver from a service center (column 7, lines 46-53)

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in
37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed
within TWO MONTHS of the mailing date of this final action and the advisory
action is not mailed until after the end of the THREE-MONTH shortened statutory
period, then the shortened statutory period will expire on the date the advisory
action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be
calculated from the mailing date of the advisory action. In no event, however, will
the statutory period for reply expire later than SIX MONTHS from the date of this
final action.

16. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thomas J. Dailey whose telephone number is
571-270-1246. The examiner can normally be reached on Monday thru Friday;
9:00am - 5:00pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Follansbee can be reached on 571-272-3964. The fax phone
number for the organization where this application or proceeding is assigned is
571-273-8300.

18. Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/Dohm Chankong/
Primary Examiner, Art Unit 2452